

# Notice of Allowability

Application No.

10/691,728

Examiner

Jimmy T. Nguyen

Applicant(s)

DEVESA COMPANY, JOAQUIN

Art Unit

3725

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 10/17/05.
2. ☒ The allowed claim(s) is/are 5-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Frederick Dorchak on November 11, 2005.

The application has been amended as follows:

**In claim 5, line 7:**

The words "being slightly greater in height in the recess" have been changed to --- the recess of the first sheet being slightly greater in height than the recess of the second sheet ---.

**In claim 5, paragraph (f), lines 1-2:**

The words "bottom piece" have been changed to --- tube ---.

**In claim 7, line 6:**

The words "said corner" have been changed to --- a corner of said second exterior plastic sheet ---.

**In claim 7, lines 8-9:**

The words "slightly greater in height in said second recess than said first recess" have been changed to --- the first recess is slightly greater in height than the second recess ---.

***Allowable Subject Matter***

Claims 5-8 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 5 and 7, the claims are allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a multilayer cylindrical container and a method for construction of the multi-layer cylindrical container comprising: *a first interior metallic sheet having a first recess in a corner thereof; a second exterior plastic sheet having a second recess in a corner thereof, wherein the first sheet is slightly greater in height than the second sheet, and the recess of the first sheet is slightly greater in height than the recess of the second sheet, the second sheet comprises an external first layer made of plastic material and having a plurality of cylindrical areas forming lenses and a second layer made of plastic material*, in combination with the rest of their respective claimed limitations.

US 3,125,056, US 4,996,823, US 5,069,590, and US 5,779,424 disclose various methods for making a container body.

US 5,494,445, US 6,241,095 and GB 2298188A teach containers having an exterior layer having multiple cylindrical areas.

None of the cited prior art discloses or fairly suggests, a first interior metallic sheet having a first recess in a corner thereof; a second exterior plastic sheet having a second recess in a corner thereof, wherein the first sheet is slightly greater in height than the second sheet, and the recess of the first sheet is slightly greater in height than the recess of the second sheet, the second sheet comprises an external first layer made of plastic material and having a plurality of

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cylindrical areas forming lenses and a second layer made of plastic material. Thus claims 5 and 7 contains allowable subject matter over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNgyuen  
November 11, 2005

  
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